

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETHYPHARM S.A. FRANCE,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

C.A. No. 08-126 (SLR)

**DEFENDANT'S MOTION TO DISMISS ALL
CLAIMS OF THE AMENDED COMPLAINT**

Defendant Abbott Laboratories hereby moves to dismiss all claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth in Abbott Laboratories' Opening Brief in Support of its Motion to Dismiss which is being filed herewith.

BOUCHARD MARGULES & FRIEDLANDER, P.A.

/s/ David J. Margules

David J. Margules (#2254)
Sean M. Brennecke (#4686)
222 Delaware Avenue
Wilmington, DE 19801
(302) 573-3500
dmargules@bmf-law.com
sbrennecke@bmf-law.com

OF COUNSEL:

William F. Cavanaugh, Jr.
Thomas W. Pippert
Benjamin S. Litman
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036-6710
(212) 336-2000

Attorneys for Defendant Abbott Laboratories

Dated: August 5, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ETHYPHARM S.A. FRANCE,)	
)	
)	C.A. No. 08-126 (SLR)
Plaintiff,)	
)	
v.)	
)	
ABBOTT LABORATORIES,)	
)	
Defendant.)	
)	

PROPOSED ORDER

IT IS HEREBY ORDERED that all claims against Abbott Laboratories alleged in the Amended Complaint (D.I. #26) are dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Date: _____

Judge Sue L. Robinson